681 cuts with a stick until ultimately, in the olden days, the death
[685] sentence was decided upon. At the present time, the matter is then referred to the law-courts. In the case of corporal punishment the sentence was usually based on the principle of: Eye for an eye and tooth for a tooth—unless the parties
[682 agreed upon another form of indemnity. Murder, high
687 treason, attempted murder of the chief and incest were always
684 punished with death according to the deposition of the old people. For the execution of corporal punishment a bailiff was appointed and fines were collected by the magistrate.

673 6. Generally they regard disrespectful behaviour towards the old, murder, homicide, bodily injury, theft, illegitimate impregnation and treason as punishable offences.

Lies and perjury are also deemed improper, but are not
[835] subject to legal punishment. In the same way adultery is not punishable. Incest becomes a case for the law only when the father refuses to be responsible for the sustenance of the child during its first years, namely, the time when it needs the nursing of the mother. As soon as the child is five years
[388] of age, the father takes it and the payments, which as a rule were in cattle and to-day are in money, cease.

It cannot, however, be said that these forms are valid everywhere where there are still unbroken Nama tribes ruled by a chief; and although they still know their old laws, they do not avail themselves of them in every case.

421 7. The proprietary rights of the old Nama were not extensive, and those of the present generation are still more limited as a result of the fact that they hardly possess any lands. Generally speaking we may say that the individual possesses nothing but is the usufructuary of what the family possesses. This even includes clothes and things for daily use.

422 Under personal property one understands the possession of cattle. A child even may receive one or more goats from his father and he uses their milk. He has the right to milk such goats without permission and their progeny are his property. Where natural conditions make it possible every person—man, wife, child—possess a few goats, sheep or even cattle. When these are to be sold it becomes manifest that this personal property continues to be regarded as family property, because in such cases, the whole family and not the individual decides whether there should be a sale or not.

423 The land or their tribal territory can under no circumstances become the property of an individual, neither is it the property of the chief. He has not got the right to dispose of or to give away anything of the territory which, in all respects, is regarded as common tribal property, unless the money received be divided amongst the families of the tribe, after they have consented to such a sale. The boundaries of a tribal territory, however, are not fixed. All lands and grounds where members of a tribe have previously grazed